

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1234V

Filed: August 22, 2018

UNPUBLISHED

OFILIA ARECHIGA,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu) Vaccine;
Guillain-Barre Syndrome (GBS)

Nancy Routh Meyers, Ward Black Law, Greensboro, NC, for petitioner.

Sherry Denise Soanes, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On September 12, 2017, Ofilia Arechiga (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that she suffered Guillain-Barre syndrome (“GBS”) as a result of an influenza (“flu”) vaccine she received on November 1, 2016. Petition at 1, ¶2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 21, 2018, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent states that “petitioner has satisfied the criteria for GBS set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation. The

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

records support that Petitioner suffered the first symptom or manifestation of the onset in the time period after vaccination administration set forth in the Vaccine Injury Table, and suffered the residual effects or complications for more than 6 months after the administration of the vaccine.” *Id.* at 3-4 (internal citations omitted). Respondent further agrees that petitioner’s GBS resulted in inpatient hospitalization and surgical intervention. *Id.*

In view of respondent’s position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master